UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,900	03/07/2005	Junya Kaku	050139	7832

23850 7590 01/22/2009

KRATZ, QUINTOS & HANSON, LLP
1420 K Street, N.W.
Suite 400
WASHINGTON, DC 20005

EXAMINER	
VU, NGOC YEN T	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
01/22/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/526,900	KAKU, JUNYA	
	Examiner	Art Unit	
	NGOC-YEN T. VU	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7 and 9-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *7,10 and 12* is/are allowed.

6)☒ Claim(s) *1-4,9 and 11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Please note that the examiner has changed. Subsequent communications to the Office should be directed toward the new examiner.

Response to Amendment

1. The amendments, filed 07/21/08, have been entered and made of record. Claims 1-4, 7 and 9-12 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4, 7 and 9-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-4, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Midorikawa (JP 2001-320705) in view of Taussig (US # 6,590607) and further in view of Kaku (JP 200-236467).

Regarding claim 1, Midorikawa teaches a motion image recording, apparatus which comprises a processor (Fig. 6, CPU 14) to record a plurality of screens of image data forming a motion image signal in a compressed manner a recording medium (16), wherein a plurality of tasks to be executed by said processor includes a first task in relation, to a compression process of image data ([0007], [0012]), said first task includes an adding process for

adding to a predetermined parameter value, a value corresponding to a size of the compressed image data equivalent to a first number of screens, every time that image data corresponding to said first number of screens is compressed ([0017-0023]), and said first task includes a changing process for changing a compression ratio of the image data such that said compression ratio becomes higher as said predetermined parameter value becomes larger ([0030], [0035])

However, Midorikawa fail to teach a second task includes a subtracting process for subtracting, from said predetermined parameter value, a value corresponding to a size of the compressed image data equivalent to a second number of screens every time that compressed image data corresponding to said second number of screens is recorded. In the same field of endeavor, Taussig teaches a motion image recording apparatus (Fig. 2, digital video system 30) including a first task in relation to a compression process of image data, and a second task in relation to a recording process of compressed image data (fig. 2, col. 5 lines 50-62, col. 3 lines 50-53, col. 6 lines 1-10), said first task includes an increasing process for increasing a predetermined parameter value every time that image data corresponding to a first number of screens is compressed (col. 5 lines 50-67, col. 6 lines 1-8 - real-time indication thus as images are compressed and added the predetermined value is adjusted), said second task includes a decreasing process for decreasing said predetermined parameter value every time that compressed image data corresponding to a second number of screens is recorded (col. 3 lines 47-67, col. 6 lines 1-8 - real-time indication thus as images are recorded and removed from buffer the predetermined value is adjusted). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ a second task as taught by Taussig in the motion image

recording apparatus of Midorikawa in order to preserve recording of the uninterrupted digital video stream.

Midorikawa in view of Taussig also fails to teach the processor mounting a multitasking OS which executes the plurality of tasks. In the same field of endeavor, Kaku teaches a digital camera comprising a CPU 42 for writing compressed image data to a SDRAM and for recording processing stored compressed image data to a memory card 48 (see Abstract). Kaku further teaches the CPU 42 is installed with a multitask OS which can conduct write and recording processing (see Abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to mount a multitasking OS as taught by Kaku in the motion image recording apparatus of Midorikawa and Taussig in order to allow efficient use of the CPU 14 shown in Midorikawa.

Regarding claim 2, Midorikawa in view of Taussig and Kaku teaches a transmission process for transmitting the compressed image data by a defined amount to a recording medium (Midorikawa, [0027]).

Regarding claim 3, Taussig discloses a motion image recording apparatus according to claim 1, further comprising a fetching means 32 for fetching said plurality of screens of image data according to a fetching condition (imaging means being held steady), wherein said plurality of tasks include a third task in relation to an adjustment of said fetching condition (col. 9:1-65; if imaging means is not held steady as measured by acceleration means then compression means is notified).

Regarding claim 4, Taussig discloses a motion image recording apparatus according to claim 3, wherein said fetching means includes an imaging means 32 for imaging an object, and said fetching condition includes an imaging condition (being held steady) of said imaging means (col. 3:55-65).

Regarding claim 9, Midorikawa teaches an apparatus according to claim 1, wherein said predetermined parameter value is an accumulated value of a size of the compressed image data ([0007], [0019], [0020]).

Regarding claim 11, Midorikawa teaches a picture recording apparatus according to claim 1, wherein said predetermined parameter value indicates a size of image data that has been compressed, but has not yet been recorded ([0007], [0019], [0020]).

Allowable Subject Matter

5. Claims 7, 10 and 12 are allowed.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGOC-YEN T. VU whose telephone number is (571)272-7320. The examiner can normally be reached on Mon. – Thurs. from 8:00 am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ngoc-Yen T. VU/
Primary Examiner, Art Unit 2622
01/20/2009